

UNITED STATES BANKRUPTCY COURT Northern District of Texas, Lubbock Division						VOLUNTARY PETITION					
Name of Debtor (if individual, enter Last, First, Middle): Levelland/Hockley County Ethanol, LLC						Name of Joint Debtor (Spouse) (Last, First, Middle):					
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):						All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):					
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all): Redact 6821						Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all):					
Street Address of Debtor (No. and Street, City, and State): 103 S. FM 2646 Levelland, TX 79336 ZIP CODE						Street Address of Joint Debtor (No. and Street, City, and State):  ZIP CODE					
County of Residence or of the Principal Place of Business: Hockley						County of Residence or of the Principal Place of Business:					
Mailing Address of Debtor (if different from street address): P.O. Box 26 Levelland, TX 79336-0026 ZIP CODE						Mailing Address of Joint Debtor (if different from street address):  ZIP CODE					
Location of Principal Assets of Business Debtor (if different from street address above):  ZIP CODE											
<b>Type of Debtor</b> (Form of Organization) (Check <b>one</b> box.)  <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)		<b>Nature of Business</b> (Check <b>one</b> box.)  <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other Ethanol Manufacturing Facility  <b>Tax-Exempt Entity</b> (Check box, if applicable.)  <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).		<b>Chapter of Bankruptcy Code Under Which the Petition is Filed</b> (Check <b>one</b> box.)  <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13  <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding  <b>Nature of Debts</b> (Check one box.)  <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as “incurred by an individual primarily for a personal, family, or house- hold purpose.” <input checked="" type="checkbox"/> Debts are primarily business debts.							
<b>Filing Fee</b> (Check one box.)  <input checked="" type="checkbox"/> Full Filing Fee attached.  <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court’s consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A.  <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court’s consideration. See Official Form 3B.						<b>Chapter 11 Debtors</b>  <b>Check one box:</b> <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input checked="" type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).  <b>Check if:</b> <input type="checkbox"/> Debtor’s aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 ( <i>amount subject to adjustment on 4/01/13 and every three years thereafter</i> ). ----- <b>Check all applicable boxes:</b> <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).					
<b>Statistical/Administrative Information</b>  <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.										THIS SPACE IS FOR COURT USE ONLY	
Estimated Number of Creditors <input type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input checked="" type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> Over 100,000											
Estimated Assets <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input checked="" type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion											
Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input checked="" type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion											

<b>Voluntary Petition</b> <i>(This page must be completed and filed in every case.)</i>		Name of Debtor(s): <b>Levelland/Hockley County Ethanol, LLC</b>	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.)			
Location Where Filed:	Case Number:	Date Filed:	
Location Where Filed:	Case Number:	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet.)			
Name of Debtor:	Case Number:	Date Filed:	
District:	Relationship:	Judge:	
<b>Exhibit A</b>  (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)  <input type="checkbox"/> Exhibit A is attached and made a part of this petition.		<b>Exhibit B</b> (To be completed if debtor is an individual whose debts are primarily consumer debts.)  I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b).  <b>X</b> _____ Signature of Attorney for Debtor(s) (Date)	
Exhibit C			
Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?			
<input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No.			
Exhibit D			
(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)			
<input type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition.			
If this is a joint petition:			
<input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
Information Regarding the Debtor - Venue			
(Check any applicable box.)			
<input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.			
<input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.			
<input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
Certification by a Debtor Who Resides as a Tenant of Residential Property			
(Check all applicable boxes.)			
<input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)			
( _____ )		Name of landlord that obtained judgment	
( _____ )		Address of landlord	
<input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and			
<input type="checkbox"/> Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.			
<input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

**Voluntary Petition***(This page must be completed and filed in every case.)*

Name of Debtor(s):

**Levelland/Hockley County Ethanol, LLC****Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X \_\_\_\_\_  
Signature of Debtor

X \_\_\_\_\_  
Signature of Joint Debtor

\_\_\_\_\_  
Telephone Number (if not represented by attorney)

\_\_\_\_\_  
Date

**Signature of a Foreign Representative**

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only **one** box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.

☐ Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X \_\_\_\_\_  
(Signature of Foreign Representative)

\_\_\_\_\_  
(Printed Name of Foreign Representative)

\_\_\_\_\_  
Date

**Signature of Attorney\***

X /s/ I. Richard Levy

Signature of Attorney for Debtor(s)

**I. Richard Levy**

Printed Name of Attorney for Debtor(s)

**Block & Garden, LLP**

Firm Name

**5949 Sherry Lane, Suite 900**

**Dallas, TX 75225**

Address

**214-866-0990**

Telephone Number

**04/27/2011**

Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ James P. Halbert

Signature of Authorized Individual

**James P. Halbert**

Printed Name of Authorized Individual

**Chief Restructuring Officer**

Title of Authorized Individual

**04/27/2011**

Date

**Signature of Non-Attorney Bankruptcy Petition Preparer**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

\_\_\_\_\_  
Printed Name and title, if any, of Bankruptcy Petition Preparer

\_\_\_\_\_  
Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

*A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.*

## **LEVELLAND/HOCKLEY COUNTY ETHANOL, LLC**

### **CERTIFICATE OF SECRETARY AS TO RESOLUTIONS ADOPTED BY THE BOARD OF MANAGERS OF LEVELLAND/HOCKLEY COUNTY ETHANOL, LLC**

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The undersigned, James P. Halbert, being the duly elected Secretary of Board of Managers of Levelland/Hockley County Ethanol, LLC, an Texas limited liability company ("LHCE"), does hereby certify that the following resolutions were duly adopted by unanimous resolution of the Board of Managers (the "Board") of LHCE at a special meeting duly held on April 25, 2011, at which all of the three Board members were present and participated in deliberations, and that such resolutions have not been amended or rescinded and are now in full force and effect:

RESOLVED that in the judgment of the Board it is desirable and in the best interests of LHCE, its creditors, members and other interested parties, that a petition be filed by LHCE seeking relief under the provisions of Chapter 11 Title 11 of the United States Code (the "Bankruptcy Code"); and it is further

RESOLVED that James P. Halbert, a member and officer of the Board, in view of his experience in the industry and with LHCE, is elected to serve as the Chief Restructuring Officer ("CRO") of LHCE and is appointed by the Board as authorized signatory for the Chapter 11 case (hereinafter, the "Authorized Signatory") and shall serve during the pendency of the Chapter 11 case until otherwise directed by the Board by formal resolution; and it is further

RESOLVED that officers of the Board or any one of them (the "Officers") and the Authorized Signatory (together with the Officers, the "Authorized Representatives") are, and each hereby is, authorized and directed on behalf of LHCE to execute and verify a voluntary petition in the name of LHCE, along with all related forms and documents, lists and schedules, verifications and other matters necessary or desirable to commence a voluntary case under Chapter 11 of the Bankruptcy Code and to cause the same to be filed in the United States Bankruptcy Court for the Northern District of Texas, Lubbock Division, in such form and at such time as the Authorized Representative executing said petition on behalf of LHCE shall determine in consultation with counsel for LHCE; and it is further

RESOLVED that the Authorized Representatives are, and each hereby is, authorized, directed and empowered, on behalf of and in the name of LHCE, to execute, verify and/or file, or cause to be filed and/or executed or verified (or direct others to do so on their behalf as

provided herein) all necessary documents, including, without limitation, a request to have the Chapter 11 case treated as a complex case under the local rules of the bankruptcy court, along with such “first day” motions as necessary and desirable and such other matters as the Authorized Representatives and counsel shall confer and agree are in the best interests of the creditors and members of LHCE, and to prepare and to pursue such other matters in the Chapter 11 proceeding including a plan of reorganization and disclosure statement, and all petitions, affidavits, schedules, motions, lists, applications, pleadings, and other papers, and in that connection to employ and retain all assistance by legal counsel, investment bankers, accountants or other professionals and to take any and all actions that they deem necessary and proper in connection with the Chapter 11 case contemplated hereby, with a view to the successful prosecution of such case; and it is further

RESOLVED that the law firm of Block & Garden, LLP (“Counsel”), 5949 Sherry Lane, Suite 900, Dallas, Texas 75225, and its partners and associates and staff, be, and they hereby are, employed under general retainer as bankruptcy counsel for LHCE, and Counsel shall be retained to prepare all matters related to the Chapter 11 filings deemed necessary and advisable by the Authorized Representatives in consultation with Counsel, and that Counsel be engaged and the CRO is authorized to execute an application to seek employment of Counsel with the Bankruptcy Court, to represent LHCE as the debtor in possession in the Chapter 11 case in all things, and that the Authorized Representatives shall ensure that Counsel has a retainer maintained in Counsel’s Trust Account in the amount of \$250,000; it is further

RESOLVED that all acts lawfully done or actions lawfully taken by the CRO and the Authorized Representatives to seek relief on behalf of LHCE under Chapter 11 of the Bankruptcy Code or in connection with the Chapter 11 case, or any matter related thereto, are, and each hereby is, adopted, ratified, confirmed and approved in all respects as the acts and deeds of LHCE; and it is further

RESOLVED that the Authorized Representatives are, and each hereby is, authorized to execute and deliver for and on behalf of LHCE, as debtor and debtor-in-possession, any agreement, instruments and any and all other documents and amendments necessary or appropriate to facilitate the transactions contemplated by the foregoing resolutions, including, containing such provisions, terms, conditions, covenants, warranties and representations as may be deemed necessary or appropriate by the Authorized Representatives, or any of them so acting; and it is further

RESOLVED that the Authorized Representatives are, and each hereby is, authorized and empowered for and in the name and on behalf of LHCE to amend, supplement or otherwise modify from time to time the terms of any documents, certificates, instruments, agreements or other writings referred to in the foregoing resolutions; and it is further

RESOLVED that the Authorized Representatives are, and each hereby is, authorized, in the name and on behalf of LHCE, to take or cause to be taken any and all such further action and to execute and deliver or cause to be executed or delivered all such further agreements, documents, certificates and undertakings, and to incur all such fees and expenses

as in their judgment shall be necessary, appropriate or advisable to effectuate the purpose and intent of any and all of the foregoing resolutions; and it is further

RESOLVED that all actions previously taken by an Authorized Representative are, and each hereby is, adopted, ratified, confirmed and approved in all respects as the acts and deeds of LHCE.

IN WITNESS WHEREOF, the undersigned, has signed this Certificate of Resolution as Secretary of the Board of LHCE on this 27th day of April, 2011.

*/s/ James P. Halbert*

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James P. Halbert  
Secretary of the Board of Managers